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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10  
11  
12 **UNITED STATES OF AMERICA, NO. C99-01739 M**

13 Plaintiff,

14 v.

15 **KIMBERLY A. AVILA aka  
KIMBERLY A. SOBIECH,**

**STIPULATED ORDER OF  
CONTINUING GARNISHMENT**

16 Defendant,

17 and

18 **KAISER PERMANENTE,**

19 Garnishee. /

20  
21 IT IS HEREBY STIPULATED by and between Judgment Creditor, United States of  
22 America, and Judgment Debtor, KIMBERLY A. AVILA aka KIMBERLY A. SOBIECH, that  
23 garnishee, KAISER PERMANENTE, withhold \$150.00 each month from Judgment Debtor's  
24 non-exempt disposable income, commencing with the December, 2011, pay period, until the  
25 entire current judgment principal, last compounded on June 7, 2011, in the amount of  
26 \$4,490.57, (original judgment in the amount of \$3,104.18 entered June 7, 1999) plus interest  
27 compounded annually pursuant to 11 USC §1961(b) at the rate of 4.727 % per annum on said  
28 current judgment principal, for total interest through and including December 12, 2011, in the

1 amount of \$109.33, for a total due of principal, interest, costs and attorney fees as of  
2 December 12, 2011, in the amount of \$5,124.82, has been paid in full or until the garnishee  
3 no longer has custody, possession or control of any property belonging to the debtor or until  
4 further Order of this court.

5 IT IS HEREBY FURTHER STIPULATED that KAISER PERMANENTE, Garnishee,  
6 immediately remit to the United States Department of Justice the above mentioned payments  
7 as and for the month of December, 2011, and as and for each month thereafter.

8 IT IS HEREBY FURTHER STIPULATED that said payments be made payable to the  
9 U.S. Department of Justice, and be mailed to the Department of Justice-NCIF, P.O. Box  
10 790363, St. Louis, MO 63179-0363, referencing the judgment debtor's name and CDCS Claim  
11 number **1999B65384** on each check for posting purposes.

12 IT IS HEREBY FURTHER STIPULATED that judgment debtor, upon request by mail  
13 from judgment creditor to judgment debtor, shall submit a financial statement to judgment  
14 creditor annually, the form of which shall be mailed to judgment debtor by judgment creditor.

15 IT IS HEREBY FURTHER STIPULATED that in accordance with the provisions of Title  
16 28 U.S.C. Section 636(c) the parties hereby voluntarily waive their rights to proceed before a  
17 judge of the United States District Court and consent to have a United States magistrate judge  
18 conduct any and all further proceedings in the case. It is understood that any appeal from an  
19 order entered by a magistrate judge will be taken directly to the Ninth Circuit of the United  
20 States Court of Appeals in the same manner as an appeal from any other judgment of a District  
21 Court.

22 By her signature hereafter, KIMBERLY A. AVILA aka KIMBERLY A. SOBIECH  
23 acknowledges that she has read, understands and waives all of her rights under the CLERK'S  
24 NOTICE OF POST-JUDGMENT GARNISHMENT AND INSTRUCTIONS TO DEFENDANT;  
25 REQUEST FOR HEARING FORM; OBJECTION TO GARNISHEE'S ANSWER AND  
26 REQUEST FOR HEARING FORM; NOTICE ON HOW TO CLAIM EXEMPTION; CLAIM FOR  
27 EXEMPTION FORM and the WRIT OF CONTINUING GARNISHMENT and the  
28 APPLICATION FOR WRIT OF CONTINUING GARNISHMENT in exchange for the herein

1 payment stipulation.

2 Dated: December 12, 2011

3 Michael Cosentino, Counsel for United States

4 Dated: December 12, 2011

5 KIMBERLY A. AVILA aka KIMBERLY A. SOBIECH

6 **IT IS SO ORDERED.**

7 Dated: 12/15/11

8 MARIA-ELENA JAMES

9 UNITED STATES MAGISTRATE JUDGE